

CADES SCHUTTE  
A Limited Liability Law Partnership

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Attorney for Defendant  
JEFFREY S. PORTNOY, ESQ.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

JASON Y. TERUYA, PRO SE, U.S.  
GOVERNMENT-DEPT. OF LABOR  
OWCP/DLHWC: DIRECTOR-  
ANTONIO RIOS, and BAE  
SYSTEMS/CORROSION  
ENGINEERING,

Plaintiffs,

vs.

DR. NEIL SHIBUYA, M.D.; and  
JEFFREY S. PORTNOY, ESQ.,

Defendants.

CIVIL NO. 14-00105 DKW/RLP

**DEFENDANT JEFFREY S.  
PORTNOY, ESQ.'S MOTION TO  
DISMISS COMPLAINT;  
MEMORANDUM IN SUPPORT  
OF MOTION; DECLARATION  
OF TRISHA L. NISHIMOTO;  
EXHIBIT "A"; CERTIFICATE  
OF SERVICE**

**DEFENDANT JEFFREY S. PORTNOY, ESQ.'S**  
**MOTION TO DISMISS COMPLAINT**

Defendant JEFFREY S. PORTNOY, ESQ. (“*Mr. Portnoy*”), by and through his undersigned counsel, and pursuant to Federal Rules of Civil Procedure (“*FRCP*”) Rule 12(b)(6), hereby moves this Honorable Court for an order dismissing Plaintiff JASON Y. TERUYA’S (*Plaintiff*) March 4, 2014 Complaint (the “*Complaint*”) as to Mr. Portnoy. The Complaint fails to state a claim against Mr. Portnoy upon which relief may be granted under the pleading standards of FRCP Rule 8 and as established by the United States Supreme Court in Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007) and Ashcroft v. Iqbal, 129 S. Ct. 1937 (2009).

The Complaint falls woefully short of the requirements of FRCP Rule 8(a)(2) because it does not contain any statement of the factual basis for Plaintiff’s claims against Mr. Portnoy showing that Plaintiff is entitled to relief. With exception of the caption, the four-page Complaint fails to mention Mr. Portnoy at all. Accordingly, the Complaint fails to satisfy the requisites of Rule 8 and should be dismissed with prejudice.

This Motion is brought pursuant to FRCP Rules 8 and 12(b)(6), and is supported by the attached memorandum, exhibit, and the record and file in this matter.

DATED: Honolulu, Hawaii, April 9, 2014.

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/s/ Trisha L. Nishimoto

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TRISHA L. NISHIMOTO  
Attorney for Defendant  
JEFFREY S. PORTNOY, ESQ.